UNITED STATES PATENT AND TRADEMARK OFFICE

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EXAMINER
ZHAO, WEI

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *12 July 2006*.
2a)☐ This action is **FINAL**.　　　2b)☒ This action is non-final.
3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1,2,4-19 and 21-49* is/are pending in the application.
　　4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5)☐ Claim(s) _____ is/are allowed.
6)☒ Claim(s) *1,2,4-19 and 21-49* is/are rejected.
7)☐ Claim(s) _____ is/are objected to.
8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.
10)☒ The drawing(s) filed on *12 July 2006* is/are: a)☒ accepted or b)☐ objected to by the Examiner.
　　Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
　　Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
　　a)☐ All　b)☐ Some * c)☐ None of:
　　　1.☐ Certified copies of the priority documents have been received.
　　　2.☐ Certified copies of the priority documents have been received in Application No. _____.
　　　3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
　　* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)
2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3)☒ Information Disclosure Statement(s) (PTO/SB/08)
　　Paper No(s)/Mail Date *7/12/2006*.

4)☐ Interview Summary (PTO-413)
　　Paper No(s)/Mail Date. _____ .
5)☐ Notice of Informal Patent Application
6)☐ Other: _____ .

DETAILED ACTION

Claim Objections

1.   Claims 4, 5, 41-43 are objected to under 37 CFR 1.75(c) because of the following informalities:

Regarding claim 4, the terms "a mediation device" in line 2 seems to refer back to "a mediation device" in claim 2 line 5. If this is true, it is suggested to change "a mediation device" to --- the mediation device ---. It is also suggested to change the term "the MAC address" in line 3 to --- a MAC address ---.

Regarding claim 5, the terms "a mediation device" in line 2 seems to refer back to "a mediation device" in claim 2 line 5. If this is true, it is suggested to change "a mediation device" to --- the mediation device ---.

Claims 41-43 are identical to claims 10, 37, and 38 individually. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form.

Note: Claims 41-43 are not included in the following prior art rejection since they are identical to claims 10, 37, and 38 individually.

Claim Rejections - 35 USC § 103

2.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for

all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described
> as set forth in section 102 of this title, if the differences between the subject matter sought to
> be patented and the prior art are such that the subject matter as a whole would have been
> obvious at the time the invention was made to a person having ordinary skill in the art to which
> said subject matter pertains. Patentability shall not be negatived by the manner in which the
> invention was made.

3.   The factual inquiries set forth in *Graham* **v.** *John Deere Co.*, 383 U.S. 1,

148 USPQ 459 (1966), that are applied for establishing a background for

determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1.   Determining the scope and contents of the prior art.
2.   Ascertaining the differences between the prior art and the claims at issue.
3.   Resolving the level of ordinary skill in the pertinent art.
4.   Considering objective evidence present in the application indicating obviousness or nonobviousness.

4.   Claims 1, 2, 6, 8, 14, 17-19, 21, 29, 33, 36, 40, 44, and 47 are rejected

under 35 U.S.C. 103(a) as being unpatentable over Bodin et al. (US

2006/0036719) in view of Yousefi'zadeh et al. (US 6,950,848).

For claim 1, Bodin et al. teach the method of performing load distribution

between a plurality of Broadband Remote Access Servers ("BRASs") (paragraph

[0051] lines 1-9 and paragraph [0054] lines 9-19), the method comprising:

conveying individual load information about each BRAS in the plurality of BRASs

to at least one Ethernet access node (paragraph [0038] lines 1-7).

Bodin et al. teaches all the subject matter with the exception of

implementing the database on available server. Yousefi'zadeh et al. from the

same or similar field of endeavor teach implementing fairness of the method,

wherein building, by an Ethernet access node, a database of available BRASs

based on the conveyed individual load information, the database including

address and load information about each BRAS in the plurality of available

BRASs (column [11] lines 15-35); receiving an initiation message by the at least

one Ethernet access node (column [11] lines 33-35), determining a preferred

BRAS by analyzing the load information stored in the database (column [11] lines

15-20), and forwarding the initiation message to the preferred BRAS (column [11]

lines 33-35). Thus, it would have been obvious to one of ordinary skill in the art to

implement the method of Yousefi'zadeh et al. in the system of Bodin et al. The

method of Bodin et al. can be implemented on any type of the method

implementing the database on available server. The motivation for using the

method of Bodin et al. on implementing the database on available server is to

manage the load balancing.

For claims 2 and 6, these two claims are similar to claim 1. Claims 2 and 6

are rejected for the same reasons as to claim 1.

For claim 8, Bodin et al. teach the method further comprising, conveying

the individual load information and polling each BRAS in the plurality of BRASs to

obtain information regarding load status the respective BRAS (paragraph [0051]

lines 1-9 and paragraph [0054] lines 9-19).

For claim 14, Bodin et al. teaches all the subject matter with the exception

of implementing the percent of maximum load. Yousefi'zadeh et al. from the

same or similar field of endeavor teach implementing fairness of the method,

wherein the load information includes a percent of maximum load for each

respective BRAS (column [11] lines 15-20). Thus, it would have been obvious to

one of ordinary skill in the art to implement the method of Yousefi'zadeh et al. in

the system of Bodin et al. The method of Bodin et al. can be implemented on any

type of the method implementing the percent of maximum load. The motivation

for using the method of Bodin et al. on implementing the percent of maximum

load is to manage the load balancing.

For claim 17, Bodin et al. teaches all the subject matter with the exception

of implementing the requested service. Yousefi'zadeh et al. from the same or

similar field of endeavor teach implementing fairness of the method, further

comprising: receiving a requested service in the initiation message (column [11]

lines 33-35), verifying that the requested service is available on the preferred

BRAS (column [11] lines 15-20), and if the requested service is not available,

selecting another BRAS from the plurality of available BRASs (column [11] lines

33-35). Thus, it would have been obvious to one of ordinary skill in the art to

implement the method of Yousefi'zadeh et al. in the system of Bodin et al. The

method of Bodin et al. can be implemented on any type of the method

implementing the requested service. The motivation for using the method of

Bodin et al. on implementing the requested service is to provide a better quality-

of-service based on the available resource.

For claims 18, 19, and 21, these three claims are all similar to claim 1. Claims 18, 19, and 21 are rejected for the same reasons as to claim 1.

For claim 29, it is similar to claim 8. Claim 29 is rejected for the same reasons as to claim 8.

For claim 33, it is similar to claim 14. Claim 33 is rejected for the same reasons as to claim 14.

For claim 36, it is similar to claim 17. Claim 36 is rejected for the same reasons as to claim 17.

For claim 40, it is similar to claim 8. Claim 40 is rejected for the same reasons as to claim 8.

For claim 44, it is similar to claim 14. Claim 44 is rejected for the same reasons as to claim 14.

For claim 47, it is similar to claim 36. Claim 47 is rejected for the same reasons as to claim 36.

5.   Claims 4, 5, 7, 9-13, 15, 16, 22-28, 30-32, 34, 35, 37-39, 45, 46, 48, and 49 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bodin et al. (US 2006/0036719) in view of Yousefi'zadeh et al. (US 6,950,848), and further in view of Kitada et al. (US 2003/0037163).

For claim 4, Bodin et al. and Yousefi'zadeh et al. teaches all the subject matter with the exception of substituting a destination broadcast address of the initiation message to the MAC address. Kitada et al. from the same or similar field of endeavor teach implementing fairness of the method, wherein the forwarding the initiation message to a mediation device includes substituting a destination broadcast address of the initiation message to the MAC address of the mediation device (paragraph [0335] lines 9-16). Thus, it would have been obvious to one of ordinary skill in the art to implement the method of Kitada et al. in the system of Bodin et al. and Yousefi'zadeh et al. The method of Bodin et al. and Yousefi'zadeh et al. can be implemented on any type of the method implementing the destination broadcast address of the initiation message to the MAC address. The motivation for using the method of Bodin et al. and Yousefi'zadeh et al. on implementing the destination broadcast address of the initiation message to the MAC address is to transfer the modified request to only the one of the provider's devices.

For claim 5, Bodin et al. and Yousefi'zadeh et al. teaches all the subject matter with the exception of substituting a destination broadcast address of the initiation message to the predefined address. Kitada et al. from the same or similar field of endeavor teach implementing fairness of the method, wherein the forwarding the initiation message to a mediation device comprises substituting a destination broadcast address of the initiation message with a predefined broadcast address of a mediation device cluster (paragraph [0335] lines 9-16). Thus, it would have been obvious to one of ordinary skill in the art to implement

the method of Kitada et al. in the system of Bodin et al. and Yousefi'zadeh et al. The method of Bodin et al. and Yousefi'zadeh et al. can be implemented on any type of the method implementing the destination broadcast address of the initiation message to the predefined address. The motivation for using the method of Bodin et al. and Yousefi'zadeh et al. on implementing the destination broadcast address of the initiation message to the predefined address is to transfer the modified request to only the one of the provider's devices.

For claim 7, Bodin et al. and Yousefi'zadeh et al. teaches all the subject matter with the exception of implementing the message containing address information. Kitada et al. from the same or similar field of endeavor teach implementing fairness of the method, wherein the conveying further comprises receiving a plurality of broadcast messages from each BRAS in the plurality of BRASs, wherein each broadcast contains address information and information regarding load status for the respective BRAS (paragraph [0295] lines 1-6). Thus, it would have been obvious to one of ordinary skill in the art to implement the method of Kitada et al. in the system of Bodin et al. and Yousefi'zadeh et al. The method of Bodin et al. and Yousefi'zadeh et al. can be implemented on any type of the method implementing the message containing address information. The motivation for using the method of Bodin et al. and Yousefi'zadeh et al. on implementing the message containing address information is to transfer the broadcast message to the respective devices.

For claim 9, Bodin et al. and Yousefi'zadeh et al. teaches all the subject matter with the exception of implementing the Simple Network Management Protocol (SNMP). Kitada et al. from the same or similar field of endeavor teach implementing fairness of the method, wherein the polling is implemented using SNMP (paragraph [0370] lines 1-6). Thus, it would have been obvious to one of ordinary skill in the art to implement the method of Kitada et al. in the system of Bodin et al. and Yousefi'zadeh et al. The method of Bodin et al. and Yousefi'zadeh et al. can be implemented on any type of the method implementing the SNMP. The motivation for using the method of Bodin et al. and Yousefi'zadeh et al. on implementing the SNMP is to monitor network-attached devices for conditions that warrant administrative attention.

For claim 10, Bodin et al. and Yousefi'zadeh et al. teaches all the subject matter with the exception of conveying at a predetermined interval. Kitada et al. from the same or similar field of endeavor teach implementing fairness of the method, wherein the conveying is performed at a predetermined interval (paragraph [0279] lines 1-8). Thus, it would have been obvious to one of ordinary skill in the art to implement the method of Kitada et al. in the system of Bodin et al. and Yousefi'zadeh et al. The method of Bodin et al. and Yousefi'zadeh et al. can be implemented on any type of the method conveying at a predetermined interval. The motivation for using the method of Bodin et al. and Yousefi'zadeh et al. on implementing the predetermined interval is to provide a time-based communication monitoring function.

For claim 11, Bodin et al. and Yousefi'zadeh et al. teaches all the subject matter with the exception of implementing the Point-to-Point Protocol over Ethernet (PPPoE) session. Kitada et al. from the same or similar field of endeavor teach implementing fairness of the method, wherein the polling is performed whenever a new Point-to-Point Protocol over Ethernet (PPPoE) session is established (paragraph [0161] lines 1-9). Thus, it would have been obvious to one of ordinary skill in the art to implement the method of Kitada et al. in the system of Bodin et al. and Yousefi'zadeh et al. The method of Bodin et al. and Yousefi'zadeh et al. can be implemented on any type of the method implementing the PPPoE session. The motivation for using the method of Bodin et al. and Yousefi'zadeh et al. on implementing the PPPoE session is to provide a point-to-point interface which runs over a Layer 2 infrastructure.

For claims 12 and 13, these two claims are similar to claim 4. Claims 12 and 13 are rejected for the same reasons as to claim 4.

For claim 15, Bodin et al. and Yousefi'zadeh et al. teaches all the subject matter with the exception of implementing the PPPoE Active Discovery Initiation message. Kitada et al. from the same or similar field of endeavor teach implementing fairness of the method, wherein the initiation message is a PPPoE Active Discovery Initiation message (paragraph [0210] lines 1-10). Thus, it would have been obvious to one of ordinary skill in the art to implement the method of Kitada et al. in the system of Bodin et al. and Yousefi'zadeh et al. The method of Bodin et al. and Yousefi'zadeh et al. can be implemented on any type of the

method implementing the PPPoE Active Discovery Initiation message. The motivation for using the method of Bodin et al. and Yousefi'zadeh et al. on implementing the PPPoE Active Discovery Initiation message is to provide a session management between the network and user devices.

For claim 16, Bodin et al. and Yousefi'zadeh et al. teaches all the subject matter with the exception of conveying at configurable intervals. Kitada et al. from the same or similar field of endeavor teach implementing fairness of the method, further comprising: repeating the conveying at configurable intervals (paragraph [0279] lines 1-8). Thus, it would have been obvious to one of ordinary skill in the art to implement the method of Kitada et al. in the system of Bodin et al. and Yousefi'zadeh et al. The method of Bodin et al. and Yousefi'zadeh et al. can be implemented on any type of the method conveying at a configurable interval. The motivation for using the method of Bodin et al. and Yousefi'zadeh et al. on implementing the configurable interval is to provide a configurable time-based communication monitoring function.

Yousefi'zadeh et al. further teach updating the database if new information from the conveying is received (column [11] lines 15-35).

For claim 22, it is similar to claim 15. Claim 22 is rejected for the same reasons as to claim 15.

For claim 23, Bodin et al. and Yousefi'zadeh et al. teaches all the subject matter with the exception of implementing the PPPoE Active Discovery Offer message. Kitada et al. from the same or similar field of endeavor teach

implementing fairness of the method, wherein the response message is a PPPoE

Active Discovery Offer message (paragraph [0210] lines 1-10). Thus, it would

have been obvious to one of ordinary skill in the art to implement the method of

Kitada et al. in the system of Bodin et al. and Yousefi'zadeh et al. The method of

Bodin et al. and Yousefi'zadeh et al. can be implemented on any type of the

method implementing the PPPoE Active Discovery Offer message. The

motivation for using the method of Bodin et al. and Yousefi'zadeh et al. on

implementing the PPPoE Active Discovery Offer message is to implement a

session management between the network and user devices.

For claim 24, it is similar to claim 15. Claim 24 is rejected for the same

reasons as to claim 15.

For claim 25, it is similar to claim 23. Claim 25 is rejected for the same

reasons as to claim 23.

For claims 26 and 27, these two claims are similar to claims 15 and 23

individually. Claims 26 and 27 are rejected for the same reasons as to claims 15

and 23.

For claim 28, it is similar to claim 7. Claim 28 is rejected for the same

reasons as to claim 7.

For claims 30-32, these three claims are similar to claims 10, 12, and 13

individually. Claims 30-32 are rejected for the same reasons as to claims 10, 12,

and 13.

For claims 34 and 35, these two claims are similar to claims 15 and 16

individually. Claims 34 and 35 are rejected for the same reasons as to claims 15

and 16.

For claims 37-39, these three claims are similar to claims 12, 13, and 7

individually. Claims 37-39 are rejected for the same reasons as to claims 12, 13,

and 7.

For claims 45 and 46, these two claims are similar to claims 15 and 16

individually. Claims 45 and 46 rejected for the same reasons as to claims 15 and

16.

For claims 48 and 49, these two claims are similar to claims 37 and 38

individually. Claims 48 and 49 rejected for the same reasons as to claims 37 and

38.

Conclusion

6.   The prior art made of record and not relied upon is considered pertinent to

applicant's disclosure.

Pereira (US 2006/0155915 A1) is cited to show a method for database

query processor.

Any inquiry concerning this communication or earlier communications from

the examiner should be directed to WEI ZHAO whose telephone number is

(571)270-5672. The examiner can normally be reached on Monday-Thursday, 8:00am-12:00noon.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dang Ton can be reached on 571-272-3171. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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